

REMARKS

1. Present Status of Patent Application

This is a full and timely response to the Decision on Appeal from the Board of Patent Appeals and Interferences decided December 29, 2009 and the Final Office Action of May 19, 2006. Claims 1-4, 6, 9-12, 14, 17-20, and 24 have been amended and claims 5, 7-8, 13, 15-16, 21, and 22-23 have been canceled without prejudice, waiver, or disclaimer. Claims 1-4, 6, 9-12, 14, 17-20, and 22 remain pending in the application. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

2. Telephone Interview

The Examiner is encouraged to contact Assignee's attorney, after reviewing the present response, to resolve or discuss any questions or outstanding issues in an effort to expedite examination of the present application.

3. Rejection of Claims under 35 U.S.C. §103

Claims 1-24 stand rejected under 35 U.S.C. §103(a) as purportedly being unpatentable over *Kite* (U.S. Patent Publication No. 2005/0149372 A1) in view of *VanDusen* (U.S. Patent Publication No. 2003/0208397 A1). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. **Claim 1**

Independent claim 1 recites:

An engineering drawing management and assignment system, comprising:

a computer processor;

a database storing a fiber splice drawing record associated with a wirecenter, the fiber splice drawing record identifying an engineering drawing job for adding fiber splice representations in engineering drawings for each location where a fiber cable representation crosses the wirecenter boundary representation into another wirecenter, the engineering drawing management and assignment system tracking workflow of engineering drawing jobs identified by a plurality of fiber splice drawing records;

assignment logic coupled to the database, assigning a fiber splice drawing record associated with the engineering drawing job for the wirecenter to a draftsman and recording the assignment;

completion logic coupled to the database, receiving a request to close the fiber splice drawing record from the draftsman, and receiving a credit amount associated with the engineering drawing job from a manager, the credit amount being assigned to the draftsman that performed the engineering drawing job; and

reporting logic coupled to the database producing a first report identifying each fiber splice drawing record assigned to the draftsman; producing a second report identifying each completed fiber splice drawing record assigned to the draftsman; producing a third report identifying each fiber splice drawing record assigned to a facility of draftsmen; and producing a fourth report identifying each completed fiber splice drawing record within a defined geographical region.

(Emphasis added).

Independent claim 1 is allowable for at least the reason that *Kite* in view of *VanDusen* does not disclose, teach, or suggest at least “reporting logic coupled to the database producing a first report identifying each fiber splice drawing record assigned to the draftsman; producing a second report identifying each completed fiber splice drawing record assigned to the draftsman; producing a third report identifying each fiber splice drawing record assigned to a facility of draftsmen; and producing a fourth report identifying each completed fiber splice drawing record within a defined geographical region,” as emphasized above.

For example, *Kite* discloses a fiber management tool (FMT). “The FMT can be a computer-based application that may provide an integrated view and monitoring of utilization of an existing fiber optic network and associated digital loop electronics, and may make this information more readily accessible to Network FACILITY PLANNERSs, Designers, Long Term Planners, and Construction Repair technicians, which may shorten information research time. . . . The FMT application may display a graphical as well as a tabular view of data. The graphical layer may graphically display fiber network elements (ex. Fiber routes, remote terminals, central offices, equipment), supporting structures (ex. Conduit, manholes, poles) at defined geographical levels (ex. Wire center, state, district), and/or associated landbase features (ex. Streets, parcels, lakes, rivers).” Para. 0317.

Kite does not disclose reporting operations or functions similar to “reporting logic coupled to the database to identify each fiber splice drawing record assigned to the draftsman; to identify each completed fiber splice drawing record assigned to the draftsman; to identify each fiber splice drawing record assigned to a facility of draftsman; and to identify each completed fiber splice drawing record within a defined geographical region,” as recited in claim 1. Further, *Kite* fails to disclose a mechanism by which a fiber splice drawing record is assigned to a draftsman and/or able to closed or completed.

Rather, *Kite* describes the creation and modification of location relief strategies by providing drawing tools and symbols to be used in denoting necessary equipment and facility items with the location relief strategy. See para. 0498. While *Kite* discloses that a user may find and open desired location relief strategies using search queries, *Kite* does not provide a first report identifying each fiber splice drawing record assigned to the draftsman; a second report identifying each completed fiber splice drawing record assigned to the draftsman; a third report identifying each fiber splice drawing record assigned to a facility of draftsmen; or a fourth report identifying each completed fiber splice drawing record within a defined geographical region.

Further, *Kite* discloses that a location relief strategy may be viewed in accordance with a geographic area, but this provides a capability to view network elements and does not provide a report identifying each completed fiber splice drawing

record for the geographic area. See para. 0507. Accordingly, *Kite* does not teach or suggest at least “reporting logic coupled to the database producing a first report identifying each fiber splice drawing record assigned to the draftsman; producing a second report identifying each completed fiber splice drawing record assigned to the draftsman; producing a third report identifying each fiber splice drawing record assigned to a facility of draftsmen; and producing a fourth report identifying each completed fiber splice drawing record within a defined geographical region,” as recited in claim 1.

With regard to *VanDusen*, the reference discloses a method of doing business by creating an equity pool and compensating an associate with a portion of the equity pool. *VanDusen* does not teach or suggest the features above that are also not taught and suggested by *Kite*. Accordingly, *VanDusen* fails to cure the deficiencies of the *Kite* reference in suggesting or teaching all of the claimed features in claim 1. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Kite* with *VanDusen* has not been made and the rejection of claim 1 should be withdrawn.

b. Claims 2-8

Dependent claims 2-4 and 6 are allowable as a matter of law for at least the reason that dependent claims 2-4 and 6 contain all the elements and features of independent claim 1. For at least this reason, the rejections of claims 2-4 and 6 should be withdrawn. Additionally and notwithstanding the foregoing reasons for allowability, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record.

Claims 5 and 7-8 are canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to these claims is rendered moot. Assignee takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Assignee reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Assignee so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

c. Claim 9

Independent claim 9 recites:

A method for assigning and managing a plurality of engineering drawing jobs, comprising:

storing a fiber splice drawing record associated with a wirecenter in a database, the fiber splice drawing record identifying an engineering drawing job for adding fiber splice representations in engineering drawings for each location where a fiber cable representation crosses the wirecenter boundary representation into another wirecenter;

assigning a fiber splice drawing record associated with the engineering drawing job for the wirecenter to a draftsman as part of workflow tracking process for engineering drawing jobs;

recording the assignment;

receiving a request from a user to mark the fiber splice drawing record as closed;

assigning credit for the engineering drawing job based upon input from a manager, the credit being assigned to the draftsman that performed the engineering drawing job;

outputting a first report identifying each fiber splice drawing record assigned to the draftsman;

outputting a second report identifying each completed fiber splice drawing record assigned to the draftsman;

outputting a third report identifying each fiber splice drawing record assigned to a facility of draftsmen; and

outputting a fourth report identifying each completed fiber splice drawing record within a defined geographical region.

(Emphasis added).

Independent claim 9 is allowable for at least the reason that *Kite* in view of *VanDusen* does not disclose, teach, or suggest at least “outputting a first report identifying each fiber splice drawing record assigned to the draftsman; outputting a second report identifying each completed fiber splice drawing record assigned to the draftsman; outputting a third report identifying each fiber splice drawing record assigned to a facility of draftsmen; and outputting a fourth report identifying each completed fiber splice drawing record within a defined geographical region,” as emphasized above.

For example, *Kite* discloses a fiber management tool (FMT). “The FMT can be a computer-based application that may provide an integrated view and monitoring of utilization of an existing fiber optic network and associated digital loop electronics, and may make this information more readily accessible to Network FACILITY PLANNERSs,

Designers, Long Term Planners, and Construction Repair technicians, which may shorten information research time. . . . The FMT application may display a graphical as well as a tabular view of data. The graphical layer may graphically display fiber network elements (ex. Fiber routes, remote terminals, central offices, equipment), supporting structures (ex. Conduit, manholes, poles) at defined geographical levels (ex. Wire center, state, district), and/or associated landbase features (ex. Streets, parcels, lakes, rivers).” Para. 0317.

Kite does not disclose reporting operations or functions similar to “outputting a first report identifying each fiber splice drawing record assigned to the draftsman; outputting a second report identifying each completed fiber splice drawing record assigned to the draftsman; outputting a third report identifying each fiber splice drawing record assigned to a facility of draftsmen; and outputting a fourth report identifying each completed fiber splice drawing record within a defined geographical region,” as recited in claim 9. Further, *Kite* fails to disclose a mechanism by which a fiber splice drawing record is assigned to a draftsman and/or able to closed or completed.

Rather, *Kite* describes the creation and modification of location relief strategies by providing drawing tools and symbols to be used in denoting necessary equipment and facility items with the location relief strategy. See para. 0498. While *Kite* discloses that a user may find and open desired location relief strategies using search queries, *Kite* does not provide a first report identifying each fiber splice drawing record assigned to the draftsman; a second report identifying each completed fiber splice drawing record assigned to the draftsman; a third report identifying each fiber splice drawing record assigned to a facility of draftsmen; or a fourth report identifying each completed fiber splice drawing record within a defined geographical region.

Further, *Kite* discloses that a location relief strategy may be viewed in accordance with a geographic area, but this provides a capability to view network elements and does not provide a report identifying each completed fiber splice drawing record for the geographic area. See para. 0507. Accordingly, *Kite* does not teach or suggest at least “outputting a first report identifying each fiber splice drawing record assigned to the draftsman; outputting a second report identifying each completed fiber splice drawing record assigned to the draftsman; outputting a third report identifying

each fiber splice drawing record assigned to a facility of draftsmen; and outputting a fourth report identifying each completed fiber splice drawing record within a defined geographical region,” as recited in claim 9.

With regard to *VanDusen*, the reference discloses a method of doing business by creating an equity pool and compensating an associate with a portion of the equity pool. *VanDusen* does not teach or suggest the features above that are also not taught and suggested by *Kite*. Accordingly, *VanDusen* fails to cure the deficiencies of the *Kite* reference in suggesting or teaching all of the claimed features in claim 9. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Kite* with *VanDusen* has not been made and the rejection of claim 9 should be withdrawn.

d. Claims 10-16

Dependent claims 10-12 and 14 are allowable as a matter of law for at least the reason that dependent claims 10-12 and 14 contain all the elements and features of independent claim 9. For at least this reason, the rejections of claims 10-12 and 14 should be withdrawn. Additionally and notwithstanding the foregoing reasons for allowability, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record.

Claims 13 and 15-16 are canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to these claims is rendered moot. Assignee takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Assignee reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Assignee so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

e. **Claim 17**

Independent claim 17 recites:

A computer readable medium having a program for assigning and managing a plurality of engineering drawing jobs, the program comprising:
storing a fiber splice drawing record associated with a wirecenter in a database, the fiber splice drawing record identifying an engineering drawing job for adding fiber splice representations in engineering drawings for each location where a fiber cable representation crosses the wirecenter boundary representation into another wirecenter;

assigning a fiber splice drawing record associated with the engineering drawing job for the wirecenter to a draftsman as part of workflow tracking process for engineering drawing jobs;

recording the assignment;

receiving a request from a user to mark the fiber splice drawing record as closed;

assigning credit for the engineering drawing job based upon input from a manager, the credit being assigned to the draftsman that performed the engineering drawing job;

outputting a first report identifying each fiber splice drawing record assigned to the draftsman;

outputting a second report identifying each completed fiber splice drawing record assigned to the draftsman;

outputting a third report identifying each fiber splice drawing record assigned to a facility of draftsmen; and

outputting a fourth report identifying each completed fiber splice drawing record within a defined geographical region.

(Emphasis added).

Independent claim 17 is allowable for at least the reason that *Kite* in view of *VanDusen* does not disclose, teach, or suggest at least “outputting a first report identifying each engineering drawing job assigned to the draftsman; outputting a second report identifying each completed fiber splice drawing record assigned to the draftsman; outputting a third report identifying each fiber splice drawing record assigned to a facility of draftsman; and outputting a fourth report identifying each completed fiber splice drawing record within a defined geographical region,” as emphasized above.

For example, *Kite* discloses a fiber management tool (FMT). “The FMT can be a computer-based application that may provide an integrated view and monitoring of utilization of an existing fiber optic network and associated digital loop electronics, and may make this information more readily accessible to Network FACILITY PLANNERSs,

Designers, Long Term Planners, and Construction Repair technicians, which may shorten information research time. . . . The FMT application may display a graphical as well as a tabular view of data. The graphical layer may graphically display fiber network elements (ex. Fiber routes, remote terminals, central offices, equipment), supporting structures (ex. Conduit, manholes, poles) at defined geographical levels (ex. Wire center, state, district), and/or associated landbase features (ex. Streets, parcels, lakes, rivers).” Para. 0317.

Kite does not disclose reporting operations or functions similar to “outputting a first report identifying each fiber splice drawing record assigned to the draftsman; outputting a second report identifying each completed fiber splice drawing record assigned to the draftsman; outputting a third report identifying each fiber splice drawing record assigned to a facility of draftsmen; and outputting a fourth report identifying each completed fiber splice drawing record within a defined geographical region,” as recited in claim 17. Further, *Kite* fails to disclose a mechanism by which a fiber splice drawing record is assigned to a draftsman and/or able to closed or completed.

Rather, *Kite* describes the creation and modification of location relief strategies by providing drawing tools and symbols to be used in denoting necessary equipment and facility items with the location relief strategy. See para. 0498. While *Kite* discloses that a user may find and open desired location relief strategies using search queries, *Kite* does not provide a first report identifying each fiber splice drawing record assigned to the draftsman; a second report identifying each completed fiber splice drawing record assigned to the draftsman; a third report identifying each fiber splice drawing record assigned to a facility of draftsmen; or a fourth report identifying each completed fiber splice drawing record within a defined geographical region.

Further, *Kite* discloses that a location relief strategy may be viewed in accordance with a geographic area, but this provides a capability to view network elements and does not provide a report identifying each completed fiber splice drawing record for the geographic area. See para. 0507. Accordingly, *Kite* does not teach or suggest at least “outputting a first report identifying each fiber splice drawing record assigned to the draftsman; outputting a second report identifying each completed fiber splice drawing record assigned to the draftsman; outputting a third report identifying

each fiber splice drawing record assigned to a facility of draftsmen; and outputting a fourth report identifying each completed fiber splice drawing record within a defined geographical region,” as recited in claim 17.

With regard to *VanDusen*, the reference discloses a method of doing business by creating an equity pool and compensating an associate with a portion of the equity pool. *VanDusen* does not teach or suggest the features above that are also not taught and suggested by *Kite*. Accordingly, *VanDusen* fails to cure the deficiencies of the *Kite* reference in suggesting or teaching all of the claimed features in claim 17. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Kite* with *VanDusen* has not been made and the rejection of claim 17 should be withdrawn.

f. Claims 18-24

Dependent claims 18-20 and 22 are allowable as a matter of law for at least the reason that dependent claims 18-20 and 22 contain all the elements and features of independent claim 17. For at least this reason, the rejections of claims 18-20 and 22 should be withdrawn. Additionally and notwithstanding the foregoing reasons for allowability, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record.

Claims 21 and 23-24 are canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to these claims is rendered moot. Assignee takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Assignee reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Assignee so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

CONCLUSION

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

For at least the reasons set forth above, all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. In addition, Assignee reserves the right to address any comments made in the Office Action that were not specifically addressed herein. Thus, such comments should not be deemed admitted by the Assignee. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

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